

**REMARKS**

The Examiner is thanked for the due consideration given the application. Claims 1-30 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-27, drawn to a conductive member;

Group II, claims 28-30, drawn to a method of making a conductive member.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-27.**

The Examiner has further restricted the invention into the following species:

Species A: claims 10-13, with NBR and EPDM elastomer; and

Species B: claims 21-26, with a polyester elastomer.

**For the purpose of examination of the present application, Applicants elect, with traverse, Species A, Claims 10-13.**

The Examiner finds claims 1-9, 14-20 and 27 to be generic in terms of elected Group I.

As set forth in Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicant respectfully submits that a serious burden has not been placed on the Examiner to consider all of the claims in a single application.

A first reason that no undue burden of search exists arises from that the Examiner already has performed consideration and/or search of all the claims in the application. This is evidenced by the Office Action mailed September 9, 2005, which rejected all of claims 1-30 of the invention on the merits. The Amendment filed February 9, 2006 made changes to the claims to improve their language, however, the basic field of endeavor of the claims had not been altered. As a result, the Examiner has no reason to issue a restriction/election requirement at this point in the prosecution of the application.

Second, a review of the subject matter set forth in the claims would have an overlapping search, as has been demonstrated by the Examiner. Thus, a different field of search really does not exist with regard to the claims of the present application.

Therefore rejoinder and examination of all the claims on the merits is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Registration No. 42,593 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☒ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

Application No.: 10/720,281

Docket No.: 2927-0163P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: June 30, 2006

REC

Respectfully submitted,

By 

Andrew D. Meikle

Registration No.: 32,868

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant